

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 2:15CR03348-001RB

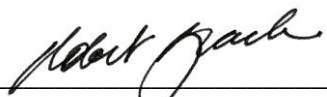
EDIL ROBERTO VINDEL-MONTOYA,

Defendant.

ORDER

THIS MATTER is before the Court on Defendant's Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2). (Doc. 18.) Defendant requests that the Court reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 782 to United States Sentencing Guideline § 2D1.1, which was effective November 1, 2014. On January 20, 2016, the Court sentenced Defendant to 28 months imprisonment for the crime of re-entry of a removed alien, in violation of 8 U.S.C. §§ 1326 (a) and (b). Amendment 782 provides for a retroactive, two-level decrease in the offense levels for certain drug offenses. Defendant's sentence is not based on a drug offense. As a result, Amendment 782 is inapplicable and Defendant is not eligible for a reduction of his sentence under 18 U.S.C. § 3582(c)(2). For this reason, the Court will dismiss Defendant's motion for lack of jurisdiction.

IT IS SO ORDERED.



ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE